

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 1436 be amended to read as follows:

- 1 Page 16, between lines 35 and 36, begin a new paragraph and
2 insert:
3 "SECTION 19. IC 36-7-31.3-8, AS AMENDED BY P.L. 178-2002,
4 SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 8. (a) ~~Except as provided in subsection (d),~~ A
6 designating body may designate as part of a professional sports and
7 convention development area any facility that is:
8 (1) owned by the city, the county, a school corporation, or a
9 board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or
10 IC 36-10-11, and used by a professional sports franchise for
11 practice or competitive sporting events; or
12 (2) owned by the city, the county, or a board under IC 36-9-13,
13 IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of
14 the following:
15 (A) A facility used principally for convention or tourism
16 related events serving national or regional markets.
17 (B) An airport.
18 (C) A museum.
19 (D) A zoo.
20 (E) A facility used for public attractions of national
21 significance.
22 (F) A performing arts venue.
23 (G) A county courthouse registered on the National Register
24 of Historic Places.
25 A facility may not include a private golf course or related
26 improvements. The tax area may include only facilities described in this
27 section and any parcel of land on which a facility is located. An area
28 may contain noncontiguous tracts of land within the city, county, or
29 school corporation.
30 (b) Except for a tax area that is located in a city having a
31 population of:

1 (1) more than one hundred fifty thousand (150,000) but less than
2 five hundred thousand (500,000); or
3 (2) more than ninety thousand (90,000) but less than one
4 hundred five thousand (105,000);
5 a tax area must include at least one (1) facility described in subsection
6 (a)(1).

7 (c) ~~Except as provided in subsection (d),~~ A tax area may contain
8 other facilities not owned by the designating body if:

9 (1) the facility is owned by a city, the county, a school
10 corporation, or a board established under IC 36-9-13,
11 IC 36-10-8, IC 36-10-10, or IC 36-10-11; and

12 (2) an agreement exists between the designating body and the
13 owner of the facility specifying the distribution and uses of the
14 covered taxes to be allocated under this chapter.

15 ~~(d) In a city having a population of more than ninety thousand~~
16 ~~(90,000) but less than one hundred five thousand (105,000), the~~
17 ~~designating body may designate only one (1) facility as part of a tax~~
18 ~~area. The facility designated as part of the tax area may not be a facility~~
19 ~~described in subsection (a)(1).~~

20 SECTION 20. IC 36-7-31.3-19, AS AMENDED BY P.L.178-2002,
21 SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 19. The resolution establishing the tax area
23 must designate the use of the funds. The funds are to be used only for
24 the following:

25 (1) Except in a tax area in a city having a population of:

26 (A) more than one hundred fifty thousand (150,000) but less
27 than five hundred thousand (500,000); or

28 (B) more than ninety thousand (90,000) but less than one
29 hundred five thousand (105,000);

30 a capital improvement that will construct or equip a facility
31 owned by the city, the county, a school corporation, or a board
32 under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and
33 used by a professional sports franchise for practice or
34 competitive sporting events. In a tax area to which this
35 subdivision applies, funds may also be used for a capital
36 improvement that will construct or equip a facility owned by the
37 city, the county, or a board under IC 36-9-13, IC 36-10-8,
38 IC 36-10-10, or IC 36-10-11 and used for any purpose specified
39 in section 8(a)(2) of this chapter.

40 (2) In a city having a population of more than one hundred fifty
41 thousand (150,000) but less than five hundred thousand
42 (500,000), a capital improvement that will construct or equip a
43 facility owned by the city, the county, a school corporation, or
44 a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or
45 IC 36-10-11 and used for any purpose specified in section 8(a)
46 of this chapter.

47 (3) In a city having a population of more than ninety thousand
48 (90,000) but less than one hundred five thousand (105,000), a
49 capital improvement that will construct or equip a facility owned
50 by the city, the county, or a board under IC 36-9-13, IC 36-10-8,
51 IC 36-10-10, or IC 36-10-11 and used for any purpose specified

1 in section ~~8(a)(2)~~ **8(a)** of this chapter.

2 (4) The financing or refinancing of a capital improvement
3 described in subdivision (1), (2), or (3) or the payment of lease
4 payments for a capital improvement described in subdivision (1),
5 (2), or (3).

6 SECTION 21. IC 36-10-11-33, AS AMENDED BY P.L.178-2002,
7 SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2004]: Sec. 33. (a) The fiscal body of the lessee shall adopt an
9 ordinance creating a board of five (5) members to be known as the
10 "Civic Center Board of Managers". The board of managers shall
11 supervise, manage, operate, and maintain a building and its programs.

12 (b) A person appointed to the board of managers must be at least
13 twenty-one (21) years of age and a resident of the lessee governmental
14 entity for at least five (5) years. If the lessee is a city, three (3) of the
15 managers shall be appointed by the city executive, and two (2) of the
16 managers shall be appointed by the city legislative body. If the lessee is
17 not a city, all five (5) managers shall be appointed by the fiscal body of
18 the lessee. An officer or employee of a political subdivision may not
19 serve as a manager. The managers serve for terms of three (3) years.

20 (c) Notwithstanding subsection (b), if the lessee is a city, initial
21 terms of the managers appointed by the executive are as follows:

22 (1) One (1) manager for a term of one (1) year.

23 (2) One (1) manager for a term of two (2) years.

24 (3) One (1) manager for a term of three (3) years.

25 The initial term of one (1) of the managers appointed by the legislative
26 body is two (2) years, and the other is three (3) years.

27 (d) Notwithstanding subsection (b), if the lessee is not a city, initial
28 terms of the managers are as follows:

29 (1) One (1) manager for a term of one (1) year.

30 (2) Two (2) managers for terms of two (2) years.

31 (3) Two (2) managers for terms of three (3) years.

32 (e) A manager may be removed for cause by the appointing
33 authority. Vacancies shall be filled by the appointing authority, and any
34 person appointed to fill a vacancy serves for the remainder of the
35 vacated term. The managers may ~~not~~ receive salaries ~~but or a per diem~~
36 **and** shall be reimbursed for any expenses necessarily incurred in the
37 performance of their duties.

38 (f) The board of managers shall annually elect officers to serve
39 during the calendar year. The board of managers may adopt resolutions
40 and bylaws governing its operations and procedure and may hold
41 meetings as often as necessary to transact business and to perform its
42 duties. A majority of the managers constitutes a quorum."

43 Page 18, after line 7, begin a new paragraph and insert:

44 "SECTION 24. **An emergency is declared for this act.**".

45 Renumber all SECTIONS consecutively.

(Reference is to EHB 1436 as printed February 20, 2004.)

Senator LANANE

